



**United States Department of Justice**

*United States Attorney  
Northern District of New York*

100 South Clinton Street, P.O. Box 7198  
James M. Hanley Federal Building  
Syracuse, New York 13261-7198

Tel.: (315) 448-0672  
Fax: (315) 448-0658

February 2, 2022

**VIA CM/ECF**

Hon. David N. Hurd  
United States District Court Judge  
Room 300, U.S. Courthouse  
10 Broad Street  
Utica, NY 13501

**Re: *United States v. Zourdos et al.*, Case No. 5:20-cr-00298-DNH  
Government's Letter Request for Leave to File Overlength Brief in Response  
to Defendants' Post-Trial Motions**

Dear Judge Hurd:

Through this letter, the government seeks leave to file an overlength brief in response to the defendants' post-trial motions filed pursuant to Federal Rules of Criminal Procedure 29 and 33. *See* Dkt. Nos. 106-08. The government's deadline for filing its response is February 7, 2022, Dkt. No. 89 (Text Order dated Nov. 19, 2021), and the government now seeks permission to file a memorandum of law not exceeding 50 pages.

The government intends to file a consolidated memorandum of law addressing the post-trial motions filed by all defendants, as there is efficiency in describing the governing law and relevant overarching evidence in a single brief. The government finds it necessary to exceed the standard 25-page limit, *see* L. R. Cr. P. 12.1(a), because the case is so factually complex, and because two briefs will be consolidated into one. Specifically, 31 witnesses testified at trial, including two experts, and the parties introduced more than 800 exhibits and sub-exhibits into evidence. The trial transcript alone is more than 1,300 pages long.<sup>1</sup> In synthesizing this evidence, the government must summarize the facts and respond to arguments made by the defendants as to 45 total counts of conviction, 15 for each of the three defendants. Due to the scope of the trial evidence, the government believes its memorandum of law needs to be up to 50 pages in length to address adequately the various factual and legal issues raised by the defendants, including by citing and occasionally quoting from applicable portions of the trial record.

---

<sup>1</sup> This page count does not include the jury selection portion of the trial transcript, which has not been ordered by the parties.

Letter to Hon. David N. Hurd  
*U.S. v. Zourdos et al.*  
5:20-cr-00298-DNH  
February 2, 2022  
Page 2

The government has conferred by email with the defendants (through counsel) about this request, and the defendants have indicated that they are taking no position. In the absence of an explicit objection from the defendants, and for the reasons stated above, the government respectfully urges this Court to issue a text order authorizing the government to file a single overlength brief not exceeding 50 pages in response to the defendants' pending post-trial motions.

Respectfully submitted,

DAVID A. HUBBERT  
Acting Assistant Attorney General

/s/ John N. Kane

By:

\_\_\_\_\_  
John N. Kane  
Assistant Chief  
U.S. Department of Justice, Tax Division  
Northern Criminal Enforcement Section  
Bar Roll No. 515130

CARLA B. FREEDMAN  
United States Attorney

/s/ Michael F. Perry

By:

\_\_\_\_\_  
Michael F. Perry  
Assistant United States Attorney  
Bar Roll No. 518952

cc: All counsel of record (via CM/ECF)